

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
GREYSTONE BANK,

Plaintiff,

- against -

CASTLE 2001 LLC,

Defendant.
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**SCHEDULING ORDER
FOR DAMAGES
INQUEST**

09 Civ. 9978 (SCR)(PED)

PAUL E. DAVISON, United States Magistrate Judge.

This matter having been referred to the undersigned to conduct an inquest as to damages and to determine an appropriate award of attorneys' fees, it is hereby Ordered:

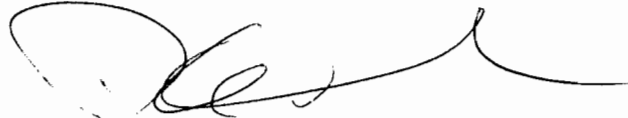
1. Plaintiff shall file and serve Defendant with Proposed Findings of Fact and Proposed Conclusions of Law concerning damages by June 4, 2010. The submission shall contain a concluding paragraph that succinctly summarizes what amount of damages (or other monetary relief) is being sought, including the exact dollar amount being sought.
2. Plaintiff's Proposed Findings of Fact should specifically tie the above proposed figure(s) to each of the legal claims set forth in the Complaint; should demonstrate how Plaintiff has arrived at the proposed figure; and should be supported by one or more affidavits, which may attach any documentary evidence establishing the

proposed figure.¹ Each proposed finding of fact shall be followed by a citation to the paragraphs of the affidavit(s) and/or page of documentary evidence that supports each such Proposed Finding.

3. Defendant shall file, and serve upon Plaintiff, its response, if any, to Plaintiff's submissions by June 18, 2010.
4. The Court hereby notifies the parties that it may conduct this inquest based solely upon the written submissions of the parties. See Fustok v. ContiCommodity Servs, Inc., 873 F.2d 38, 40 (2d Cir. 1989). To the extent that any party seeks an evidentiary hearing on the issue of damages (or other monetary relief), such party must set forth in its submission the reason why the inquest should not be conducted based upon the written submissions alone, including a description of what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

Dated: May 7, 2010
White Plains, New York

SO ORDERED.



Paul E. Davison
United States Magistrate Judge
Southern District of New York

¹ With regard to the claim for attorney's fees, Plaintiff may rely upon the Declaration of Rachel Kramer to fulfill this requirement if the Declaration is docketed with the Court and served upon Defendant in accord with the Fed. R. Civ. P. 5(a)(1).